G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1905

(Miscellaneous)

File No. 12

Serial Nos. 1—4.

Papers Filed.

Month December 1905.

SUBJECT.

Khaziship of Dodballapur & Goribidnore Taluks (Review of Syed Fazi ud deen

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PREVIOUS REFERENCES | LATER REFERENCES.

Misc F 130 -1903 | 196

Muzrai Secretariat. File No of 190

Note continued

Syed Fazrudeen, whose appeal against the decree of the Dy commr, Bangalore Dist regarding the claim to the office of Khazi of Dodhallapur and Gowribidnur Taluks, was dismissed in Govt. Ord no 3832 dated 18th April 1905, has presented another appeal petition no 332 of 12th July 1905, praying for a review of the Govt. order on the alleged ground that the counter-petitioner's father was not the legitimate son of the deceased Syed Budan.

A

The petitioner begs that pending disposal of this Review petition, an order may be passed staying the execution of the order passed in the appeal under review.

Submtd.

30/7/05

No. 670 Dt 1.8.05 Ent / File

Forwarded to the Secretary to Government, General and Revenue

Final 3/8/05

Muzrai Secretariat. File No. of 190

Departments for favour of being placed before a committee of Council

Bangalore 31st July 1905

1389 Rev

By order

Venkatasami Rao
Secretary to Govt.
Religious Department.

This has to be submitted to the Councillors for being disposed of by circulation or for being ordered to be posted for hearing.

Subd. 3/8/05
SP 3/8/05.

3/8/05

To 1st Councillor
4.8.1905

185
5-8-05

There are no grounds for reopening this case which was decided after careful consideration. This application for review may accordingly be rejected.

Reviewed
6/8/05.

31
7-8-05 To 2 Councillor
7.8.1905

G.R.S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

I agree to the view being expressed there are no grounds for renewing it. & re-asking

8/8/05

To Branch I
Land & Emigration Deptt
8.8.1905

R 1990 of 11-8-05

MYSORE GOVERNMENT
959
11.8.05
GENERAL SECRETARIAT

Memo.

Forwarded to the Secretary to Govt. in the Emigration Deptt. for favour of further action being taken in the matter.

By Order

Recd
11/8/05

Draft Endt. Submd
12/8/05

For Secretary.

Endorsement issued on 22/8/05 from the Mysore Deptt.

Note—Contn. sheet

Serial No.

Note contd.

The appeal preferred by Sayed Fasihuddin was reviewed and rejected by the Council, and an endorsement to that effect was issued. He has memorialized H. H. the Maharaja praying for a reconsideration of the reviewed order, and the Private Secretary to H H the Maharaja has referred the memorial to this office for "Submission of papers in the case" (vide Private Secretary's Opn. no 1103 dated 23rd November 1905) submitted to the Dewan through the 2d Councillor.

x Vide no. 9759 dt 22nd August 1905

3/12/05

Muantasami Rao
4/12/05

Camp. Kadur.

Recd 6.12.05.

Sir, connected papers may be sent as called for.

7/12/05

10123
7.12.05

MGCPB—50,000—17-2-05

Record of Case submitted for the orders
of His Highness the Maharaja

Subject.

Order.

14.12.05
386

I see no reason to interfere & Petitioner may be informed accordingly.

12/12/05

Orders issued
13.12.05

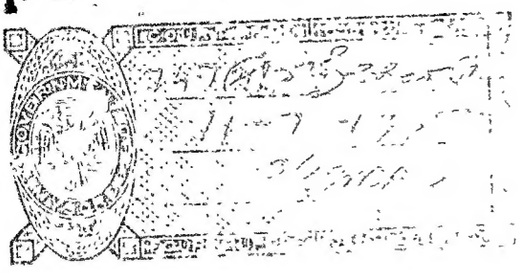
Recd. 15/12/05

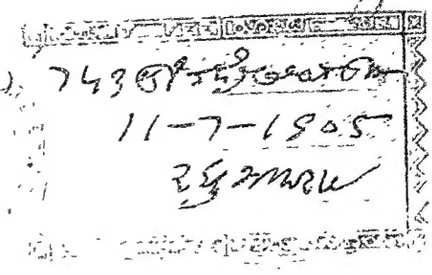
Draft submitted 15/12/05

19/12/05
Camp Kalasa

Sent in the petition book to the Govt & Revenue

4.7.05





332 587

20.7.05

Before the Government of Mysore

branch I Revenue Review Petition No. of 1905/06

Revenue appeal No. 73 of 1904-05.

Seny 14.7.05 — Syed Fasihudin :- Defdt, applt & petitioner

Rud 14.7.05 Syed Pacha :- Pltff, Resptt & Cr-petr.

Under Section 623 of the Code of the Civil procedure and Section of the Mysore Land Revenue Code, the petitioner above named most respectfully begs that the judgment and decree passed by this Honorable Court in the above appeal may be kindly reviewed on the following among other grounds:—

I. The petitioner's Contention, when the appeal was argued, was that the Respondent's father was not the Son of the deceased Syed

Forwarded to the Secretary to Govt. in the Revenue Dept. for disposal by circulation among the Councillors with the reference file or for referring to this office, if the case is ordered by the Councillors to be reported for hearing.

By order

Sd/-

Memo. R 8 R O 2/19 July 1905.

Syed Buden, and that the Statement Contained in Exhibit E was made by Ameerudin with the intention of lessening the share of Syed Buden the plaintiff in the Suit 1844 and that that Statement was false.

II. The Support of the above Contention the petitioner filed Several Exhibits before the Deputy Commissioner, Bangalore District, they were perused by this Honorable Court but did not in the opinion of Government, favor the petitioner's Contention that the Counter-petitioner's father was not the Son of the deceased Syed Buden.

III. Since the order in the above appeal was passed, the petitioner

petitioner made an application for copies of the judgments in the case of 1844, expecting that they would throw light in the case.

IV. Exhibit E upon which the Courts have placed great reliance was filed when the above case was pending and the petitioner naturally expected that the point would have been raised and decided in the above case.

V. Petitioner filed an application for the above named copies on 5th July 1905 and the copies were delivered to him on 10th July 1905.

VI. From the certified copies herewith filed, it will be seen that the amildar accepted the decision of the panchayatdars whose opinion was called for viz., that the counter-petitioner's father Mustapha was an illegitimate son of the

deceased Syed Budan.

VII. This decision was passed on 26th July 1844. about 5 months after the date of E and it will be seen that it clearly falsifies the statement about Mustapha's sonship contained in E.

VIII. For the above reasons, the petitioner most humbly prays that this Honorable Court may be pleased to review the order passed in the light of the facts forthcoming in the records filed herewith.

IX. The appeal was disposed of on 18th April 1905 and since the Review petition is filed within 90 days from that date, half the proper institution fee is now paid.

X. The petitioner begs that pending disposal of this Review petition, an order may be passed staying execution of the order passed in the above appeal under review.

12.7.05.

512

Muz. 21]

ನಂ. 975 ದಿ 22-8-05

ಮೈಸೂರು ಶ್ರೀಮತ್ ಮಹಾರಾಜರವರ ಗವರ್ನಮೆಂಟ್ ಮುಜರಾಯಿ ಇಲಾಖೆಯಿಂದಾ

ನೇಕಾರರಲ್ಲಿಂದ ಕೆಲಸಕ್ಕೆ ಬಿಟ್ಟಿದ್ದ ಸಂಬಳದಲ್ಲಿ ಇರುವ ಮೀಸಲಿಟ್ಟ ಹಣ ನೈವೇದ್ಯ ಪೈಸೆ ಉದ್ದೇಶಕ್ಕಾಗಿ ಉಪಯೋಗ ಮಾಡಿ ಕೊಳ್ಳಬೇಕೆಂದು ಸರ್ಕಾರದವರು ಸೂಚಿಸಿದ್ದರಿಂದ ಕೆಲಸದ ವಿಷಯದಲ್ಲಿ

ನೀವು ಹುಜೂರಿಗೆ ಜಾಹಿರ್ಮಾಡಿಕೊಂಡ ಜುಲೈ ಮಾಹೆ 12 ನೇ ದಿವಸ ನೇ ನಂಬರಿನ ಅರ್ಜಿ ಮರ್ಕುಂ 332 ಪರಾಂಬರಿಸಲಾಯಿತು.

ಸದರಿ ಕೆಲಸದ ಸಂಬಂಧ ಬಂದಿ ಕೆಲಸದ ವಿಷಯದಲ್ಲಿ ಕಿರ್ಕಾಮೊಲಿ ಕೆಲಸ ಮೊದಲಿ ಕೇಳಿಕೊಂಡಿದ್ದ ಆರ್ಡರನ್ನು ಪುನರ್ವಿಚಾರಣೆ ಮಾಡುವದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಬಂದಿರುವ ಅರ್ಜಿ ಯನ್ನು ಪರಿಶೀಲಿಸಿ ಕೆಳಗಿನಂತೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ

By order

(Councillors' decision)

No 976-7 ದಿ 22-8-05 18/8/05

Copy to the Commrs of Bangalore & Kolar in continn of his No 3832 dt 18th April 1905. R.O.

Secy. Muz. Dept

Ah

Sl 3

OFFICE OF THE PRIVATE SECRETARY TO
HIS HIGHNESS THE MAHARAJA OF MYSORE,
[illegible] 190

No. 1103/1

Papers
24/11/05

2345
25 11 05

Petition as shown below, to His Highness the Maharaja, transferred to the Secretary to the Government of His Highness the Maharaja of Mysore, Muzrai Department, Bangalore, for submission papers in the case.

No. 760 of 05-06.

By Order,

Macomorkel

I. C. S.
Private Secretary
to H. H. The Maharajah of Mysore.

Continue the Office Note in the case. 30/11/05

OFFICE OF THE PRIVATE SECRETARY
760
22 NOV 1905
TO H. H. THE MAHARAJA OF MYSORE

To

HIS HIGHNESS THE MAHARAJA OF MYSORE,

Camp at B A N G A L O R E.

2345

The humble memorial of Sayed Fasihudin, appellant in Revenue Appeal No.73 of 1904-05 most respectfully sheweth:-

1. That the humble petitioner above named is the daughter's son of one Fausihudin who was the senior paternal uncle of the last male holder Syed Budan (vide geneological tree herewith filed).

2. Subsequent to the death of the said Syed Budan, the Khaji Office in question vested in and was held by your humble petitioner.

3. One Syed Pacha alleging himself to be the son of one Mustapha filed a suit against the Peti--tioner, stating that his father was the last son of the original Khaji Syed Budan.(vide geneological tree)

4. The Petitioner contended that the said Mustapha was not the son of Syed Budan, but his contention was not upheld either in the original Court or in the Appellate Courts.

5. Subsequent to the disposal of the appeal by Government, the petitioner filed a review petition before the Government on the following grounds:-

(a) The petitioner's contention, when the appeal

appeal was argued, was that the Respondent's father was not the son of the deceased Syed Budan, and that the statement contained in Exhibit E was made by Ameerudin with the intention of lessening the share of Syed Budan the Plaintiff in the suit of 1844 and that that statement was false.

(b) In support of the above contention the Petitioner filed several Exhibits before the Deputy Commissioner, Bangalore District, they were perused by this Honorable Court but did not in the opinion of Government, favor the Petitioner's contention that the Counter-Petitioner's father was not the son of the deceased Syed Budan.

(c) Since the order in the above appeal was passed, the Petitioner made an application for copies of judgements in the case 1844, expecting that they throw light in the case.

(d) Exhibit E upon which the Courts have placed great reliance was filed when the above case was pending and the Petitioner natural--ly expected that the point would have been raised and decided in the above case.

(e) Petitioner filed an application for the above named copies on 5th July 1905 and the copies were delivered to him on 10th July 1905.

(f) From the certified copies herewith filed, it will be seen that the Amildar accepted the decision of the Panchayatdars whose

opinions

opinion was ~~were~~ called for - viz., that the Counter-Petitioner's father Mustapha was an illegitimate son of the deceased Syed Budan.

(g) This decision was passed on 26th July 1844 about five months after the date of E and it will be seen that it clearly falsifies the statement about Mustapha's sonship contained in E.

(h) For the above reasons, the Petitioner most humbly prays that this Honorable Court may be pleased to review the order passed in the above appeal in the light of the facts forthcoming in the records filed herewith.

(i) The appeal was disposed of on 18th April 1905 and since the review petition is filed within 90 days from that date half the proper institution fee is now paid.

(j) The petitioner begs that pending disposal of this Review Petition , an order may be passed staying execution of the order passed in the appeal under review.

6. Government was not pleased to grant the review but rejected the same without hearing the Petitioner.

7. The Government did not peruse also exhibit No.I which is a statement prepared at the time of Inam Settlement and the recitals as to the Hakdars then living and their relationship and other documents filed before the Deputy-Commissioner and Assistant Commissioner, falsify the Plaintiff's case.

8. From the above review petition and the judgement copy of which was filed with the Review

Petition

Petition it will be seen that Mustapha the al-
-leged father of the Petitioner's rival claimant
was held to be the illegitimate son of the original
Khaji Syed Budan.

9. Under Mahomadan Law, illegitimate sons are
not recognised as heirs at all events, when there are
legitimate heirs.

10. Under the above circumstances, the Peti-
-tioner most humbly prays that the order passed by
Government dismissing the Petitioner's appeal may be
set aside, and that the Petitioner may be confirmed
in the Office of Khaji.

For which act of kindness and generosity,
the Petitioner will, for ever, in duty bound pray.

He begs to remain
Your Highness' most obedient
and humble servant,

20-11-1905 بجوع سید فصیح الدین

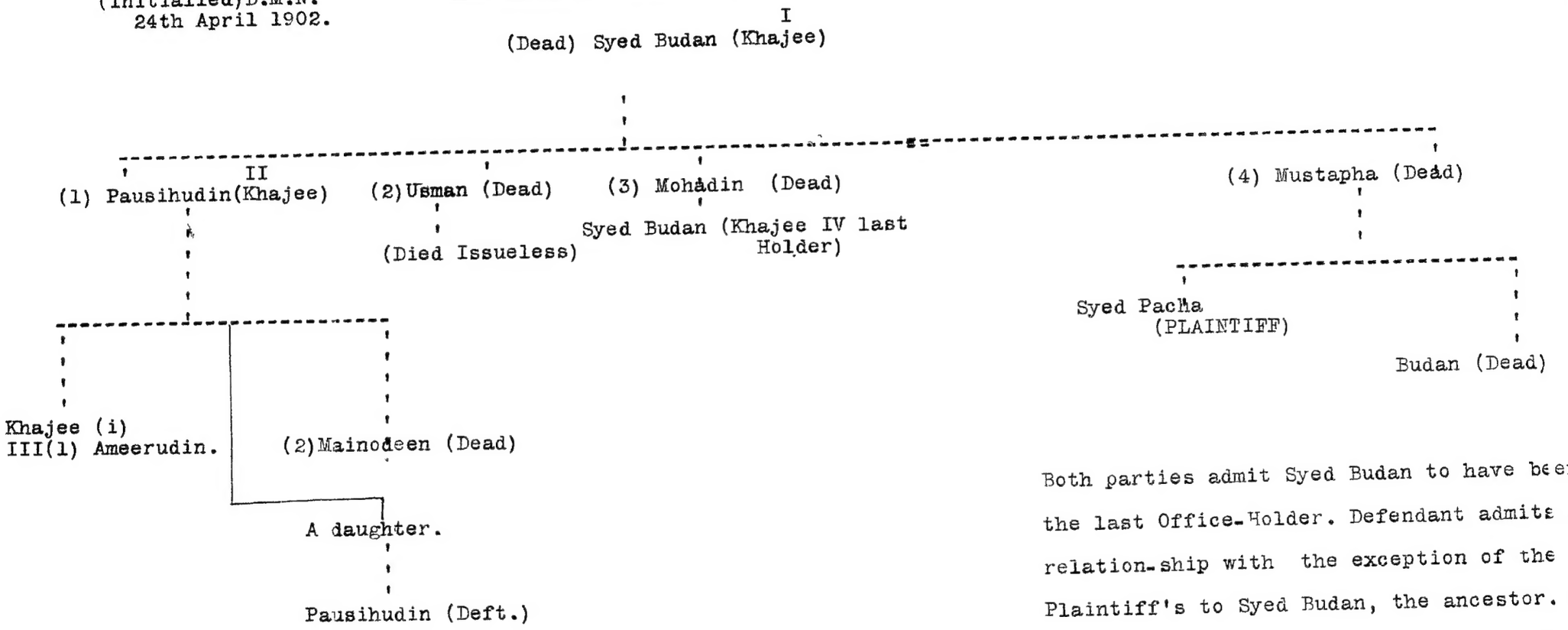
Revenue Case No.3 of 1899-00.

(Initialled)D.M.N.
24th April 1902.

EXHIBIT. A.

According to Plaintiff.

GENEOLOGICAL TREE.



Both parties admit Syed Budan to have been the last Office-Holder. Defendant admits all relation-ship with the exception of the Plaintiff's to Syed Budan, the ancestor. He denies the Plaintiff's father is the son of Syed Budan. The Defentant states that Usman is the elder brother of Phausihudin.

(Sd). P.Raghavachar,
Pleader.

(Sd).Bheema Rao.
Advocate.

"COPY"

Draft as per H.H.'s orders. 564.

Muz. 7]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

2846 of 3.1.06

MUZRAI DEPARTMENT,

Dated December 1905

ENDORSEMENT granted to Syed Zainuddin, residing in Marginahalli Village, Kolar Taluk

in reply to his ~~Petition~~ memorial Registered No. 760/2845 dated 20th Nov 1905 addressed to H.H. the Maharaja praying for review of the Govt. orders regarding the appointment of Khazi of Doddaballapur & Gauribidnur.

Petitioner is informed that the Govt. of His Highness the Maharaja see no reason to interfere. The orders already passed are final. The enclos this Petn are retd

No. 2847.

Copy to the Deputy Commr Kolar Dist. in continuation of this office No. 976-7 of 22nd August 1905.

H.H.'s orders

By Order,

19/12/05

Secretary, Muzrai Department

MGCPB—500—22-7-05

Sec Muz Dept